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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,380

05/22/2006

Tapani Niemela

P06,0154

2558

26574

7590

08/15/2008

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

PRICE, CRAIG JAMES

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

08/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,380	Applicant(s) NIEMELA, TAPANI	
	Examiner Craig Price	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Applicant's amendment overcomes the drawing objections.
2. The drawings are objected to because of the Draftsmen review form PTO-948, of 2/25/2008. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki et al. (3,994,317) in view of Tobiasz (5,746,248).

Regarding claim 1, Miyazaki et al. disclose a coupling system "for transfer of an anaesthetic liquid from a bottle to a vaporizer". Regarding "for transfer of an anaesthetic liquid from a bottle to a vaporizer ", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The coupling system comprising a bottle part (16,35) comprising a first valve with a first spring-loaded valve body (20) and a first reactive body (35), and a "vaporizer" part (50) comprising a second valve with a second spring-loaded valve body (66) and a second reactive body (60), the bottle part and the vaporizer part being connectable to each other, with the first reactive body arranged to act on the second spring-loaded valve body in an opening direction, and the second reactive body arranged to act on the first spring-loaded valve body in an opening direction, to provide a flow-path for the "anaesthetic" liquid. A seal (21) disposed between the first valve body and the

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first reactive body of the bottle part, and a further seal (on the end of 66 between 66 and 62 best shown in figure 2B) disposed between the second valve body and the second reactive body of the “vaporizer” part, the seal and the further seal being positioned, and the first and second reactive bodies being arranged to cause, when the bottle part and the vaporizer part are coupled together, the seal of the bottle part to abut sealingly against the second reactive body, and the further seal of the vaporizer part to abut sealingly against the first reactive body as shown in figure 2 and 3.

Regarding claim 2, Miyazaki et al. disclose that the distance between the seal and the further seal and the respective first and second reactive bodies have a distance therebetween that causes, when the bottle part and the vaporizer part are coupled together, the seal of the vaporizer part to first come into contact with the first reactive body, as shown in figure 2A (Col. 4, Lns. 21-34).

Miyazaki et al. are silent to having the first valve body having a recess therein and the reactive body having a protruding part having a shape conforming to the recess.

Tobiasz discloses a coupling which teaches a first valve body having a recess (30) therein and the reactive body having a protruding part (the part of 5 meeting with 30) having a shape conforming to the recess.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a first valve body having a recess therein and the reactive body having a protruding part having a shape conforming to the recess,

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as taught by Tobiasz in order to guide the spring loaded valve to the home seating position during disconnection.

Regarding method claims 5 -7, the device shown by Miyazaki et al. and Tobiasz will perform the methods as recited in claims 5 -7, during normal operational use of the device, the method of making or using the device is inherent in using the apparatus.

Response to Arguments

4. Applicant's arguments with respect to claim 1, 2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument concerning the placement of seal "64" for the Miyazaki et al. reference is not persuasive, since this seal "64" was not discussed in the previous action. Applicant further argues that the Miyazaki reference discloses the use of a threaded pipe coupling which is unsuitable for this type of application. The examiner points to the limitation "for transferring gas from a bottle..." and has defined this as being an intended use limitation. There is no structural limitation in the claim which would exclude the use of threaded connection joints.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP
/C. P./
Examiner, Art Unit 3753

12 August 2008

/John Rivell/
Primary Examiner, Art Unit 3753